

[11150/30]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Ingo BOECKMANN et al.

For:

METHOD AND DEVICE FOR  
OUTPUTTING  
INFORMATION AND/OR  
MESSAGES, USING SPEECH

Examiner: James S. Wozniak

Art Unit: 2655

Filed: July 11, 2001

Serial No.: 09/807,638

Customer No.: 26646

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August 9, 2006

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Cliff A

**APPEAL BRIEF TRANSMITTAL**

SIR:

Transmitted herewith for filing in the above-identified patent application, please find an Appeal Brief pursuant to 37 C.F.R. § 41.37.

Please charge the Appeal Brief fee of \$500.00, and any other fees that may be required in connection with this communication to the deposit account of **Kenyon & Kenyon LLP**, deposit account number 11-0600.

Applicants hereby request a **four-month extension of time** for submitting the Appeal Brief. The extended period for submitting the Appeal Brief expires on August 9, 2006. Please charge the **\$1,590.00** four-month extension fee and any other fee that may be required to Deposit Account No. 11-0600. A duplicate of this Transmittal is enclosed.

Dated:

August 9, 2006

Respectfully submitted,

By:

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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*August 9, 2006*

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*Chih Li*

**APPEAL BRIEF PURSUANT TO 37 C.F.R. § 41.37**

SIR:

On February 6, 2006, Appellants submitted a Notice of Appeal from the last decision of the Examiner contained in the Final Office Action dated August 19, 2005 in the above-identified patent application. The Notice of Appeal is believed to have been received by the Office on February 9, 2006.

In accordance with 37 C.F.R. § 41.37, this brief is submitted in support of the appeal of the final rejections of claims 11 to 29. For at least the reasons set forth below, the final rejections of claims 11 to 29 should be reversed.

**1. REAL PARTY IN INTEREST**

The real party in interest in the present appeal is Volkswagen AG, of Wolfsburg in the Federal Republic of Germany, which is the assignee of the entire right, title and interest in the present application.

**2. RELATED APPEALS AND INTERFERENCES**

There are no other prior or pending appeals, interferences or judicial proceedings known by the undersigned, or believed by the undersigned to be known to



Appellants or the assignee, Volkswagen AG, “which may be related to, directly affect or be directly affected by or have a bearing on the Board’s decision in the pending appeal.”

### **3. STATUS OF CLAIMS**

Claims 1 to 10 have been canceled.

Claims 11 to 18, 21 to 23, 28, and 29 stand finally rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,359,713 (“Tsunoda”).

Claim 19 stands finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Tsunoda and U.S. Patent No. 5,584,052 (“Gulau et al.”).

Claims 20 and 26 stand finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Tsunoda and U.S. Patent No. 6,173,266 (“Marx et al.”).

Claim 24 stands finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Tsunoda, Marx et al., and U.S. Patent No. 5,007,095 (“Nara et al.”).

Claim 25 stands finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Tsunoda, Marx et al., and U.S. Patent No. 4,400,787 (“Mandel et al.”).

Claim 27 stands finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Tsunoda, Marx et al., and U.S. Patent No. 5,864,805 (“Chen et al.”).

Appellants appeal from the final rejections of claims 11 to 29.

A copy of the appeal claims, *i.e.*, claims 11 to 29, is attached hereto in the Claims Appendix.

### **4. STATUS OF AMENDMENTS**

In response to the Final Office Action dated April 6, 2005, Appellants filed a “Reply Under 37 C.F.R. § 1.116” on December 29, 2005. However, the Reply did not contain any amendments.

### **5. SUMMARY OF THE CLAIMED SUBJECT MATTER**

The present application relates to a device and method for outputting information and/or status messages of an electrical device using speech. *Specification*, page 1, lines 2 to 4. Fig. 1 shows an example of the method. *Specification*, page 4, lines 17 to 19, and page 5, lines 8 to 9. A speech memory is configured to store prompts Auff and commands KOM. *Specification*, page 5, lines 9 to 16, and page 5, line 35 to page 6, line 1. A processor selectively reads the information and/or status messages for output via an acoustic device. *Specification*, page 5, lines 18 to 33, and page 7, line 17 to page 8, line 8.

The information and/or status messages may be selectively output via an acoustic output device using an intonation that is in accordance with a relevance, so that, for example, a first intonation S1 is used if immediate action in response to the output is required, and a second intonation S2 is otherwise used. *Id.*

**6. GROUND OF REJECTIONS TO BE REVIEWED ON APPEAL**

A. Whether claims 11 to 18, 21 to 23, 28, and 29, which stand rejected under 35 U.S.C. § 102(b), are patentable over Tsunoda.

B. Whether claim 19, which stands rejected under 35 U.S.C. § 103(a), is patentable over the combination of Tsunoda and Gulau et al.

C. Whether claims 20 and 26, which stand rejected under 35 U.S.C. § 103(a), are patentable over the combination of Tsunoda and Marx et al.

D. Whether claim 24, which stands rejected under 35 U.S.C. § 103(a), is patentable over the combination of Tsunoda, Marx et al., and Nara et al.

E. Whether claim 25, which stands rejected under 35 U.S.C. § 103(a), is patentable over the combination of Tsunoda, Marx et al., and Mandel et al.

F. Whether claim 27, which stands rejected under 35 U.S.C. § 103(a), is patentable over the combination of Tsunoda, Marx et al., and Chen et al.

**7. ARGUMENTS**

**A. Rejection of Claims 11 to 18, 21 to 23, 28, and 29 Under 35 U.S.C. § 102(b)**

**i. Claims 11, 12, 14, 15, 22, and 28**

Claims 11, 12, 14, 15, 22, and 28 stand finally rejected under 35 U.S.C. § 102(b) as anticipated by Tsunoda. It is respectfully submitted that Tsunoda does not anticipate any of claims 11, 12, 14, 15, 22, and 28 for at least the following reasons.

Claim 11 relates to a method for outputting at least one of information and status messages of at least one electrical device using speech, and recites outputting the at least one of information and status messages on an output device using an intonation in accordance with a relevance.

The Examiner refers to column 5, lines 16 to 41 as allegedly disclosing outputting the information and/or messages using an intonation in accordance with a relevance. However, the section referred to by the Examiner refers to variations in volume. Nowhere does Tsunoda disclose, or even suggest, outputting information or speech using an intonation in accordance with a relevance.

In the Response to Arguments section of the Final Office Action, the Examiner, referring to column 7, lines 49 to 68 of Tsunoda, alleges “that Tsunoda teaches outputting voices having different pitch, tone, and loudness so that a driver can distinguish warning information,” and asserts that Tsunoda therefore discloses “adjusting a voice output with respect to tone, pitch, and loudness for distinguishing warning information importance.” At column 7, lines 49 to 68, Tsunoda discusses outputting at the same time two kinds of information having different tone, pitch and loudness so that a driver may be able to distinguish sounds of the different output voice information. The referenced section does not indicate how the particular pitch or tone of a sound of any particular voice information is to be output is determined. For example, a particular pitch or tone may be randomly allocated to a particular one of the voice information. In particular, Tsunoda does not disclose, or even suggest, that a variation in pitch or tone, and their allocation to any one of the voice information to be output, depends on a relevance.

Indeed, with respect to variations in sound depending on content of a message, Tsunoda discusses only variations in volume, and makes no reference to similarly varying pitch and tone. Column 5, lines 16 to 41. Accordingly, contrary to the Examiner’s assertions, while Tsunoda may refer to voice output that may differ with respect to pitch and tone, nowhere does Tsunoda disclose “adjusting a voice output with respect to tone, pitch, and loudness for distinguishing warning information importance.” Thus, Tsunoda does not disclose, or even suggest “outputting the at least one of information and status messages on an output device using an intonation in accordance with a relevance.” Since Tsunoda does not disclose, or even suggest, all of the features recited in claim 11, it is therefore respectfully submitted that Tsunoda does not anticipate claim 11.

As for claims 12, 14, 15, 22, and 28, which depend from claim 11 and therefore include all of the features recited in claim 11, it is respectfully submitted that Tsunoda does not anticipate these dependent claims for the same reasons set forth above in support of the patentability of claim 11.

In view of all of the foregoing, reversal of this rejection with respect to claims 11, 12, 14, 15, 22 and 28 is respectfully requested.

ii. **Claim 13**

Claim 13 stands finally rejected under 35 U.S.C. § 102(b) as anticipated by Tsunoda. It is respectfully submitted that Tsunoda does not anticipate claim 13 for at least the following reasons.

Claim 13 depends from claim 11 and therefore includes all of the features recited in claim 11. It is therefore respectfully submitted that Tsunoda does not anticipate this dependent claim for at least the same reasons set forth above in support of the patentability of claim 11.

Furthermore, claim 13 recites that “the at least one of information and status messages requiring immediate action are output in the outputting step using a command intonation.” While Tsunoda may refer to outputting at the same time two kinds of information having different tone, pitch and loudness so that a driver may distinguish between voice information that is output simultaneously or in quick succession, Tsunoda does not disclose, or even suggest, outputting information or status messages using a command intonation if they require immediate action. Indeed, with respect to variations in sound depending on content of a message, Tsunoda discusses only variations in volume, and makes no reference to similarly varying intonation. Column 5, lines 16 to 41. For this additional reason, it is respectfully submitted that Tsunoda does not anticipate claim 13.

In view of all of the foregoing, reversal of this rejection with respect to claim 13 is respectfully requested.

**iii. Claim 16**

Claim 16 stands finally rejected under 35 U.S.C. § 102(b) as anticipated by Tsunoda. It is respectfully submitted that Tsunoda does not anticipate claim 16 for at least the following reasons.

Claim 16 depends from claim 11 and therefore includes all of the features recited in claim 11. It is therefore respectfully submitted that Tsunoda does not anticipate this dependent claim for at least the same reasons set forth above in support of the patentability of claim 11.

Furthermore, claim 16 recites that “the at least one of information and status messages are stored in the speech memory in accordance with a plurality of speaking voices, the method further comprising the step of changing the speaking voice for the at least one of information and status messages requiring immediate action.” While Tsunoda may refer to different speaking voices used so that a driver may distinguish between voice information that is output simultaneously or in quick succession, Tsunoda does not disclose, or even suggest, changing a speaking voice for information or status messages if they require immediate action. Indeed, with respect to variations in sound depending on content of a message, Tsunoda discusses only variations in volume, and makes no reference to similarly

varying which stored speaking voice version is used. Column 5, lines 16 to 41. For this additional reason, it is respectfully submitted that Tsunoda does not anticipate claim 16.

In view of all of the foregoing, reversal of this rejection with respect to claim 16 is respectfully requested.

**iv. Claim 17**

Claim 17 stands finally rejected under 35 U.S.C. § 102(b) as anticipated by Tsunoda. It is respectfully submitted that Tsunoda does not anticipate claim 17 for at least the following reasons.

Claim 17 depends from claim 11 and therefore includes all of the features recited in claim 11. It is therefore respectfully submitted that Tsunoda does not anticipate this dependent claim for at least the same reasons set forth above in support of the patentability of claim 11.

Furthermore, claim 17 recites “increasing the intonation and a connotation of the at least one of information and status messages requiring immediate action in accordance with importance.” While Tsunoda may refer to outputting at the same time two kinds of information having different tone, pitch and loudness so that a driver may distinguish between voice information that is output simultaneously or in quick succession, Tsunoda does not disclose, or even suggest, increasing an intonation of information or status messages if they require immediate action in accordance with importance. Indeed, with respect to variations in sound depending on content of a message, Tsunoda discusses only variations in volume, and makes no reference to similarly varying, and specifically increasing, intonation. Column 5, lines 16 to 41. For this additional reason, it is respectfully submitted that Tsunoda does not anticipate claim 17.

In view of all of the foregoing, reversal of this rejection with respect to claim 17 is respectfully requested.

**v. Claim 18**

Claim 18 stands finally rejected under 35 U.S.C. § 102(b) as anticipated by Tsunoda. It is respectfully submitted that Tsunoda does not anticipate claim 18 for at least the following reasons.

Claim 18 depends from claim 11 and therefore includes all of the features recited in claim 11. It is therefore respectfully submitted that Tsunoda does not anticipate

this dependent claim for at least the same reasons set forth above in support of the patentability of claim 11.

Furthermore, claim 18 recites “varying the intonation with a decreasing connotation for the at least one of information and status messages not requiring immediate action.” While Tsunoda may refer to outputting at the same time two kinds of information having different tone, pitch and loudness so that a driver may distinguish between voice information that is output simultaneously or in quick succession, Tsunoda does not disclose, or even suggest, varying an intonation with a decreasing connotation for information or status messages if they do not require immediate action. Indeed, with respect to variations in sound depending on content of a message, Tsunoda discusses only variations in volume, and makes no reference to similarly varying, and specifically with a decreasing connotation, an intonation. Column 5, lines 16 to 41. For this additional reason, it is respectfully submitted that Tsunoda does not anticipate claim 18.

In view of all of the foregoing, reversal of this rejection with respect to claim 18 is respectfully requested.

**vi. Claims 21 and 29**

Claims 21 and 29 stand finally rejected under 35 U.S.C. § 102(b) as anticipated by Tsunoda. It is respectfully submitted that Tsunoda does not anticipate either of claims 21 and 29 for at least the following reasons.

Claim 21 relates to a device for outputting at least one of information and status messages of at least one electrical device using speech, and recites an acoustic output device, the at least one of information and status messages being selectively output on the output device using an intonation in accordance with a relevance.

The Examiner refers to column 5, lines 16 to 41 as allegedly disclosing outputting the information and/or messages using an intonation in accordance with a relevance. However, the section referred to by the Examiner refers to variations in volume. Nowhere does Tsunoda disclose, or even suggest, outputting information or speech using an intonation in accordance with a relevance.

In the Response to Arguments section of the Final Office Action, the Examiner, referring to column 7, lines 49 to 68 of Tsunoda, alleges “that Tsunoda teaches outputting voices having different pitch, tone, and loudness so that a driver can distinguish warning information,” and asserts that Tsunoda therefore discloses “adjusting a voice output with respect to tone, pitch, and loudness for distinguishing warning information importance.”



At column 7, lines 49 to 68, Tsunoda discusses outputting at the same time two kinds of information having different tone, pitch and loudness so that a driver may be able to distinguish sounds of the different output voice information. The referenced section does not indicate how the particular pitch or tone of a sound of any particular voice information is to be output is determined. For example, a particular pitch or tone may be randomly allocated to a particular one of the voice information. In particular, Tsunoda does not indicate that variations in pitch or tone, and their allocation to any one of the voice information to be output, depend on a relevance.

Indeed, with respect to variations in sound depending on content of a message, Tsunoda discusses only variations in volume, and makes no reference to similarly varying pitch and tone. Column 5, lines 16 to 41. Accordingly, contrary to the Examiner's assertions, while Tsunoda may refer to voice output that may differ with respect to pitch and tone, nowhere does Tsunoda disclose "adjusting a voice output with respect to tone, pitch, and loudness for distinguishing warning information importance." Thus, Tsunoda does not disclose, or even suggest "the at least one of information and status messages being selectively output on the output device using an intonation in accordance with a relevance." Since Tsunoda does not disclose, or even suggest, all of the features recited in claim 21, it is therefore respectfully submitted that Tsunoda does not anticipate claim 21.

As for claim 29, which depends from claim 21 and therefore includes all of the features recited in claim 21, it is respectfully submitted that Tsunoda does not anticipate this dependent claim for the same reasons set forth above in support of the patentability of claim 21.

In view of all of the foregoing, reversal of this rejection with respect to claims 21 and 29 is respectfully requested.

**vii. Claim 23**

Claim 23 stands finally rejected under 35 U.S.C. § 102(b) as anticipated by Tsunoda. It is respectfully submitted that Tsunoda does not anticipate claim 23 for at least the following reasons.

Claim 23 depends from claim 16 and therefore includes all of the features recited in claim 16. It is therefore respectfully submitted that Tsunoda does not anticipate this dependent claim for at least the same reasons set forth above in support of the patentability of claim 16.

Furthermore, claim 23 recites that “the plurality of speaking voices includes a male voice and a female voice, the male voice used for the at least one of information and status messages requiring immediate action and the female voice used for the at least one of information and status messages not requiring immediate action.” While Tsunoda may refer to different speaking voices used so that a driver may distinguish between voice information that is output simultaneously or in quick succession, Tsunoda does not disclose, or even suggest, using a particular one of a male voice and a female voice depending on whether information or status messages to be output require immediate action. Indeed, with respect to variations in sound depending on content of a message, Tsunoda discusses only variations in volume, and makes no reference to similarly varying which stored speaking voice version is used. Column 5, lines 16 to 41. For this additional reason, it is respectfully submitted that Tsunoda does not anticipate claim 23.

In view of all of the foregoing, reversal of this rejection with respect to claim 23 is respectfully requested.

**B. Rejection of Claim 19 Under 35 U.S.C. § 103(a)**

Claim 19 stands finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Tsunoda and Gulau et al. It is respectfully submitted that the combination of Tsunoda and Gulau et al. does not render unpatentable claim 19 for at least the following reasons.

Claim 19 depends from claim 11 and therefore includes all of the features recited in claim 11. As set forth above in support of the patentability of claim 11, Tsunoda does not disclose or suggest all of the features recited in claim 11, from which claim 19 depends. Gulau et al. are not relied upon for disclosing or suggesting the features recited in claim 11 not disclosed or suggested by Tsunoda. Indeed, it is respectfully submitted that Gulau et al. do not disclose or suggest the features recited in claim 11 not disclosed or suggested by Tsunoda. It is therefore respectfully submitted that the combination of Tsunoda and Gulau et al. does not render unpatentable this dependent claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988) (any dependent claim that depends from a non-obvious independent claim is non-obvious).

Withdrawal of this rejection is therefore respectfully requested.

C. **Rejection of Claims 20 and 26 Under 35 U.S.C. § 103(a)**

Claims 20 and 26 stand finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Tsunoda and Marx et al. It is respectfully submitted that the combination of Tsunoda and Marx et al. does not render unpatentable either of claims 20 and 26 for at least the following reasons.

Claims 20 and 26 ultimately depend from claim 11 and therefore include all of the features recited in claim 11. As set forth above in support of the patentability of claim 11, Tsunoda does not disclose or suggest all of the features recited in claim 11. Marx et al. are not relied upon for disclosing or suggesting the features recited in claim 11 not disclosed or suggested by Tsunoda. Indeed, it is respectfully submitted that Marx et al. do not disclose or suggest the features recited in claim 11 not disclosed or suggested by Tsunoda. It is therefore respectfully submitted that the combination of Tsunoda and Marx et al. does not render unpatentable these dependent claims. *Id.*

Furthermore, claim 20 recites changing a dialog-communication level in response to a failure to interact with a last of successive alternatives of at least one of information and status messages. In Marx et al., a fallback method will be used if it is determined that a **threshold retry number** is reached. Column 13, lines 59 to 62. While Marx et al. may provide for alternative prompts, nevertheless, Marx et al. state that prompts and reprompts are continuously output as long as the threshold retry number is not reached. Accordingly, the switchover to the fallback method does not depend on a failure to interact with a last of successive alternatives. Even if a last alternative is output, the switchover does not occur unless the threshold retry number has been reached, *i.e.*, even though further output of prompts or reprompts requires repeating a previously output prompt or reprompt.

In the Response to Arguments section of the Final Office Action, the Examiner asserts that Marx et al. disclose that a “last of the successive alternatives occurs when a threshold number of retries is reached.” However, nowhere do Marx et al. disclose that the last of alternatives occurs when the threshold number of retries is reached. For example, with respect to Marx et al., if 100 alternative prompts are stored and the threshold number of retries is 50, the last of alternatives would not be reached when the threshold number of retries is reached, *i.e.*, the use of the fallback method does not occur after the last of alternatives is reached. Furthermore, even it should occur that output of the last of alternative prompts coincides with reaching of the threshold number, nowhere do Marx et al. disclose that a dialog-communication level is changed **in response to** output of the last of alternatives without interaction therewith. For example, if 50 alternative prompts are stored

and the threshold number of retries is 100 and all alternatives are successively output before repeating an already output prompt, then it will occur that the last of alternatives will be output, without changing to the fallback method, (to which the Examiner apparently refers as disclosing a changed dialog-communication level), because the threshold number has not been reached. Accordingly, the change to the fallback method is not responsive to “a failure to interact with a last of the successive alternatives,” but is rather responsive to reaching the threshold number of retries.

Since Marx et al. do not disclose or suggest changing a dialog-communication level *in response to a failure to interact with a last of successive alternatives*, for this additional reason, it is respectfully submitted that the combination of Tsunoda and Marx et al. does not render unpatentable claim 20, or dependent claim 26.

In view of all of the foregoing, reversal of this rejection is respectfully requested.

**D. Rejection of Claim 24 Under 35 U.S.C. § 103(a)**

Claim 24 stands finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Tsunoda, Marx et al., and Nara et al. It is respectfully submitted that the combination of Tsunoda, Marx et al., and Nara et al. does not render unpatentable claim 24 for at least the following reasons.

Claim 24 depends from claim 20 and therefore includes all of the features recited in claim 20. A set forth above in support of the patentability of claim 20, the combination of Tsunoda and Marx et al. does not disclose or suggest all of the features recited in claim 20. Nara et al. are not relied upon for disclosing or suggesting the features recited in claim 20 not disclosed or suggested by the combination of Tsunoda and Marx et al. Indeed, it is respectfully submitted that Nara et al. do not disclose or suggest the features recited in claim 20 not disclosed or suggested by the combination of Tsunoda and Marx et al. It is therefore respectfully submitted that the combination of Tsunoda, Marx et al., and Nara et al. does not render unpatentable this dependent claim. *In re Fine, supra*.

Furthermore, claim 24 recites that a sequence of the output of successive stored alternatives is based on a permutation by a random-number generator. The Examiner admits that the combination of Tsunoda and Marx et al. does not disclose this feature, and instead refers to Nara et al. as allegedly disclosing this feature. However, Nara et al. are unrelated to randomizing a sequence of an output of stored alternatives of information or status messages. Instead, the referenced section of Nara et al. describes a speech synthesizer

that modulates output of a single stored speech element for a more natural sound. Nara et al., column 1, lines 45 to 47, and column 8, line 66 to column 9, line 19. Thus, the combination of Tsunoda, Marx et al., and Nara et al. do not disclose or suggest a sequence of output of successive stored alternatives that is based on a permutation by a random-number generator. For this additional reason, it is respectfully submitted that the combination of Tsunoda, Marx et al., and Nara et al. does not render unpatentable claim 24.

In view of all of the foregoing, reversal of this rejection is respectfully requested.

**E. Rejection of Claim 25 Under 35 U.S.C. § 103(a)**

Claim 25 stands finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Tsunoda, Marx et al., and Mandel et al. It is respectfully submitted that the combination of Tsunoda, Marx et al., and Mandel et al. does not render unpatentable claim 25 for at least the following reasons.

Claim 25 depends from claim 20 and therefore includes all of the features recited in claim 20. As set forth above in support of the patentability of claim 20, the combination of Tsunoda and Marx et al. does not disclose or suggest all of the features recited in claim 20, from which claim 25 depends. Mandel et al. are not relied upon for disclosing or suggesting the features recited in claim 20 not disclosed or suggested by the combination of Tsunoda and Marx et al. Indeed, it is respectfully submitted that Mandel et al. do not disclose or suggest the features recited in claim 20 not disclosed or suggested by the combination of Tsunoda and Marx et al. It is therefore respectfully submitted that the combination of Tsunoda, Marx et al., and Mandel et al. does not render unpatentable this dependent claim. *In re Fine, supra*.

Withdrawal of this rejection is therefore respectfully requested.

**F. Rejection of Claim 27 Under 35 U.S.C. § 103(a)**

Claim 27 stands finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Tsunoda, Marx et al., and Chen et al. It is respectfully submitted that the combination of Tsunoda, Marx et al., and Chen et al. does not render unpatentable claim 27 for at least the following reasons.

Claim 27 depends from claim 20 and therefore includes all of the features recited in claim 20. As set forth above in support of the patentability of claim 20, the combination of Tsunoda and Marx et al. does not disclose or suggest all of the features

recited in claim 20, from which claim 27 depends. Chen et al. are not relied upon for disclosing or suggesting the features recited in claim 20 not disclosed or suggested by the combination of Tsunoda and Marx et al. Indeed, it is respectfully submitted that Chen et al. do not disclose or suggest the features recited in claim 20 not disclosed or suggested by the combination of Tsunoda and Marx et al. It is therefore respectfully submitted that the combination of Tsunoda, Marx et al., and Chen et al. does not render unpatentable this dependent claim. *Id.*

Withdrawal of this rejection is therefore respectfully requested.

**8. EVIDENCE APPENDIX**

No evidence has been submitted pursuant to 37 C.F.R. §§ 1.130, 1.131 or 1.132. No other evidence has been entered by the Examiner or relied upon by Appellants in the appeal. An “Evidence Appendix” is nevertheless attached hereto.

**9. RELATED PROCEEDINGS APPENDIX**

As indicated above in Section 2, above, “[t]here are no other prior or pending appeals, interferences or judicial proceedings known by the undersigned, or believed by the undersigned to be known to Appellants or the assignee, Volkswagen AG, ‘which may be related to, directly affect or be directly affected by or have a bearing on the Board’s decision in the pending appeal.’” As such, there are no “decisions rendered by a court or the Board in any proceeding identified pursuant to [37 C.F.R. § 41.37(c)(1)(ii)]” to be submitted. A “Related Proceedings Appendix” is nevertheless attached hereto.


**10. CONCLUSION**

For at least the reasons indicated above, Appellants respectfully submit that the art of record does not disclose or suggest the subject matter as recited in the claims of the above-identified application. Accordingly, it is respectfully submitted that the subject matter recited in the claims of the present application is new, non-obvious and useful.

In view of all of the foregoing, reversal of all of the rejections set forth in the Final Office Action is therefore respectfully requested.

Respectfully submitted,

Dated: August 9, 2006

By:   
Clifford A. Ulrich  
Reg. No. 42,194

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## **CLAIMS APPENDIX**

11. A method for outputting at least one of information and status messages of at least one electrical device using speech, comprising the steps of:

storing the at least one of information and status messages relating to a voice output in a speech memory;

selectively reading the at least one of information and status messages by a processing device; and

outputting the at least one of information and status messages on an output device using an intonation in accordance with a relevance.

12. The method according to claim 11, wherein the output device includes a loudspeaker.

13. The method according to claim 11, wherein the at least one of information and status messages requiring immediate action are output in the outputting step using a command intonation.

14. The method according to claim 11, wherein the at least one of information and status messages requiring immediate action are output in the outputting step at a high volume.

15. The method according to claim 11, wherein the at least one of information and status messages requiring immediate action are output in the outputting step in a harsh manner.

16. The method according to claim 11, wherein the at least one of information and status messages are stored in the speech memory in accordance with a plurality of speaking voices, the method further comprising the step of changing the speaking voice for the at least one of information and status messages requiring immediate action.

17. The method according to claim 11, further comprising the step of increasing the intonation and a connotation of the at least one of information and status messages requiring immediate action in accordance with importance.



18. The method according to claim 11, further comprising the step of varying the intonation with a decreasing connotation for the at least one of information and status messages not requiring immediate action.

19. The method according to claim 11, further comprising the step of controlling the at least one electrical device using speech recognition.

20. The method according to claim 11, wherein the storing step includes the substep of storing in the speech memory a plurality of alternatives of the at least one of information and status messages, and wherein the outputting step includes the substeps of:

successively outputting the alternatives of the at least one of information and status messages in response to a failure to interact with the at least one of information and status messages until an interaction occurs; and

changing a dialog-communication level in response to a failure to interact with a last of the successive alternatives of the at least one of information and status messages.

21. A device for outputting at least one of information and status messages of at least one electrical device using speech, comprising:

a speech memory configured to store data relating to a voice output of the at least one of information and status messages;

a processing device; and

an acoustic output device, the at least one of information and status messages being selectively output on the output device using an intonation in accordance with a relevance.

22. The method according to claim 11, wherein the at least one of information and status messages is output in the outputting step in a time period in accordance with the relevance.

23. The method according to claim 16, wherein the plurality of speaking voices includes a male voice and a female voice, the male voice used for the at least one of information and status messages requiring immediate action and the female voice used for the at least one of information and status messages not requiring immediate action.

24. The method according to claim 20, wherein a sequence of the output of the successive alternatives is based on a permutation by a random-number generator.

25. The method according to claim 20, wherein the plurality of alternatives differs in at least one of an emphases, a pronunciation, a word arrangement, and a selection of one of a plurality of synonymous terms.

26. The method according to claim 20, wherein the failures to interact include at least one of a lack of an interaction and an invalid interaction.

27. The method according to claim 20, wherein the dialog-communication level is changed to a selection list.

28. The method according to claim 11, further comprising:  
determining the relevance by the processing device;  
wherein at least one of information and a status message of a particular one of the at least one electrical device is selectable for output using any of a plurality of intonations, and a particular one of the plurality of intonations is selected and used in accordance with the determined relevance.

29. The device according to claim 21, wherein the relevance is determined by the processing device, at least one of information and a status message of a particular one of the at least one electrical device is selectable for output using any of a plurality of intonations, and a particular one of the plurality of intonations is selected and used in accordance with the determined relevance.

### **EVIDENCE APPENDIX**

No evidence has been submitted pursuant to 37 C.F.R. §§1.130, 1.131, or 1.132. No other evidence has been entered by the Examiner or relied upon by Appellants in the appeal.

### **RELATED PROCEEDINGS APPENDIX**

As indicated above in Section 2 of this Appeal Brief, “[t]here are no other prior or pending appeals, interferences or judicial proceedings known by the undersigned, or believed by the undersigned to be known to Appellants or the assignee, Volkswagen AG, ‘which may be related to, directly affect or be directly affected by or have a bearing on the Board’s decision in the pending appeal.’” As such, there no “decisions rendered by a court or the Board in any proceeding identified pursuant to [37 C.F.R. § 41.37(c)(1)(ii)]” to be submitted.

